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INFO RUEHBJ/AMEMBASSY BEIJING PRIORITY 7169

RUEHLM/AMEMBASSY COLOMBO PRIORITY 7506

RUEHKA/AMEMBASSY DHAKA PRIORITY 2844

RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 5547

RUEHLO/AMEMBASSY LONDON PRIORITY 6654

RUEHNE/AMEMBASSY NEW DELHI PRIORITY 3302

RUEHCI/AMCONSUL KOLKATA PRIORITY 4811

RUEHGV/USMISSION GENEVA PRIORITY 2445

RUCNDT/USMISSION USUN NEW YORK PRIORITY 3699

RUEKJCS/SECDEF WASHDC PRIORITY

RHMFISS/CDR USPACOM HONOLULU HI PRIORITY

RUEAAIA/CIA WASHDC PRIORITY

RHEHNSC/NSC WASHDC PRIORITY

RHEFDIA/DIA WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 KATHMANDU 000982

SIPDIS

E.O. 12958: DECL: 10/28/2019

TAGS: PGOV PHUM PREL KDEM NP

SUBJECT: NEPAL: PM ADVISOR HINTS AT ACTION ON HUMAN RIGHTS CASES

REF: A. KATHMANDU 929

1B. KATHMANDU 906

Classified By: Charge d' Affaires, a.i., Jeffrey A. Moon. Reasons 1.4 (b/d).

11. (C) Summary. Rajan Bhattarai, the Prime Minister's foreign policy advisor, told Charge that PM Madhav Kumar Nepal is committed to investigating and prosecuting human rights abuses the Nepal Army and the Maoists perpetrated during the insurgency. Bhattarai said the PM has delayed the promotion of General Toran Singh because of the international community's concerns about his human rights record, but the Nepal Army and the Defense Minister are pressuring him to promote Singh to the NA's second-in-command. Charge reiterated U.S. opposition to the promotion. End summary.

Committed to Addressing Army's Human Rights Record

12. (C) In an October 27 meeting, Advisor to Prime Minister M.K. Nepal Rajan Bhattarai said that the Prime Minister is committed to addressing concerns about the Nepal Army's human rights record. The Prime Minister is considering investigating and prosecuting a number of "representative" cases in which the NA committed "heinous" human rights abuses during the Maoist conflict, including the Maina Suruwal case. Bhattarai noted that this would mark the first time the civilian courts would take up a conflict-era human rights criminal case and would send a powerful signal about the culture of impunity in Nepal.

Maoists Too

13. (C) Parallel with the prosecution of the Army cases, the Government of Nepal (GON) would also prosecute a number of cases in which the Maoists committed severe human rights abuses. Bhattarai mentioned three possible cases, including the 2005 bombing of a bus in Madi, Chitwan. Charge strongly supported the proposed prosecution of human rights cases and agreed that the GON should balance its approach to impunity by prosecuting both NA and Maoist cases.

But Not Toran Singh

14. (C) Concerning General Toran Singh, Bhattarai said that the Prime Minister has been holding up his promotion to become the NA's second-in-command because of the

international community's concerns about Singh's human rights record (reftels). The NA and Minister of Defense have been pressuring the Prime Minister to move forward on the nomination. According to Bhattarai, the internal GON secretary-level committee formed to investigate Singh's record found that Singh was not personally involved in the 2003-2004 disappearances at Maharajgunj Barracks (although the committee found that killings did occur). If you hold Singh responsible for abuses committed under his watch, Bhattarai noted, many other senior NA commanders would be similarly tainted. "Singling out" one person is not fair.

¶ 15. (C) Charge told Bhattarai that the U.S. Government opposes the promotion of Singh. Based on our understanding of the Nepal Army, Singh must have been aware of the killings that took place at Maharajgunj Barracks. Charge warned that many people in the United States, including key congressional leaders, were watching the Singh promotion carefully and that Prime Minister Nepal's decision would impact his image abroad. Bhattarai agreed to pass on the message, and said he did not expect the Prime Minister to take action on the Singh promotion "anytime soon."

#### Importance of Army as Institution

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¶ 16. (C) While addressing the Nepal Army's tainted human rights record, the Prime Minister is also committed to protecting and promoting the Army as an institution. The Comprehensive Peace Agreement provides an opportunity to make the Nepal Army more transparent, representative, and accountable. The

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Minister of Defense's recent comments about amending the CPA to allow for new recruitment and the acquisition of lethal arms do not/not reflect GON policy. That said, the Prime Minister understands the NA's concerns about the impact of the lack of new personnel, equipment, and training opportunities. The CPA was meant to be a six-month project, but has dragged on for nearly three years. Charge noted Bhattarai's point, but underscored strong U.S. support for the CPA and stressed that now is not the time to reopen the agreement.

#### Anti-Democratic Maoists

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¶ 17. (C) Bhattarai expressed frustration with the latest Maoist tactics: blocking parliament, violently protesting, and demanding control of the government. These actions are fundamentally undemocratic. If the Maoists say they are committed to multi-party democracy, then they should play by the "rules of the game." The Prime Minister understands that the GON must take into account Maoist views on the constitution and peace process. For example, the Prime Minister has been consulting with Maoist Chairman Dahal on resuming the work of the Special Committee on Integration and the Constitutional Committee.

¶ 18. (C) According to Bhattarai, the Maoists are "ideologically confused" and are struggling to find their voice as an opposition party. If Dahal would be "bold," he could lead the party on the pragmatic path toward democracy. Instead, Dahal is being very cautious and opening the door to hardliners. Even "moderate" leaders like Baburam Bhattarai -- with whom Rajan Bhattarai shared a jail cell during the anti-monarchy protests in the 1980s -- are making provocative public statements designed to pander to the Maoist base.

#### Comment

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¶ 19. (C) The Prime Minister's quiet outreach to the Embassy on human rights issues is encouraging and demonstrates a degree of political savvy that many -- including Post -- did not believe he possessed. The Prime Minister is clearly under intense pressure to promote General Toran Singh, pressure he hopes to relieve through action on other human rights cases. Post will continue to seek opportunities to underscore our

concern about Singh's promotion.  
MOON